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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 XOCHI F. ROSE,

11 Plaintiff,

12 v.

13 STATE OF HAWAII, et al.,

14 Defendants.  
15

Case No. C17-1899 RSM

ORDER DENYING MOTION TO REOPEN  
CASE

16 This matter comes before the Court on Plaintiff Rose's Motion to Reopen Case. Dkt.  
17 #34. No Defendant has appeared in this matter.

18 This case was dismissed on April 3, 2018, based on Plaintiff's Motion requesting that  
19 relief. *See* Dkts. #27 and #28. Plaintiff's current Motion was filed on January 18, 2019 and  
20 seeks to reopen this case pursuant to Rule 60(a) or 60(b). Dkt. #34. Rule 60(a) is inapplicable  
21 as Plaintiff has identified no clerical mistakes, oversights, or omissions by the Court. With  
22 regard to 60(b), she cites only to "mistake, inadvertence, surprise, or excusable neglect" as a  
23 basis for relief. She argues that she "made an error in judgment by requesting the dismissal of  
24 this case." *Id.* at 1. She does not provide further details, *e.g.*, as to how she reached the  
25 decision to seek dismissal earlier, or why she has changed her mind. Plaintiff instead addresses  
26 her health conditions, financial status, and other pending legal issues.  
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1 The Court is left with little basis to grant this Motion. Rule 60(b)(1) does permit  
2 reconsideration of an order based on a party's mistake, inadvertence, surprise, or excusable  
3 neglect. However, the Ninth Circuit has explained that "Rule 60(b)(1) is not intended to  
4 remedy the effects of a litigation decision that a party later comes to regret through  
5 subsequently-gained knowledge.... For purposes of subsection (b)(1), parties should be bound  
6 by and accountable for the deliberate actions of themselves...." *Latshaw v. Trainer Wortham &*  
7 *Co., Inc.*, 452 F.3d 1097, 1101 (9th Cir. 2006). It appears from the record that Plaintiff Rose  
8 simply regrets her prior decision to dismiss this case. This is not enough to grant relief under  
9 Rule 60(b).  
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11 Having reviewed Plaintiff's Motion and the remainder of the record, the Court hereby  
12 finds and ORDERS that Plaintiff's Motion to Reopen Case (Dkt. #34) is DENIED. This case  
13 remains CLOSED.  
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15 DATED this 14<sup>th</sup> day of February 2019.

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18 RICARDO S. MARTINEZ  
19 CHIEF UNITED STATES DISTRICT JUDGE  
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